

1 The Honorable James L. Robart
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67 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE10 UNITED STATES OF AMERICA,
11 Plaintiff,12 v.
13 CITY OF SEATTLE,

14 Defendant.

Case No. 2:12-cv-01282-JLR

**AMICUS CURIAE COMMUNITY
POLICE COMMISSION'S BRIEF IN
RESPONSE TO CITY OF SEATTLE'S
MOTION TO TERMINATE CONSENT
DECREE**15 *Amicus curiae* the Seattle Community Police Commission (CPC) submits this brief
16 providing its perspective on issues before the Court relating to the City's motion to terminate the
17 Consent Decree (Dkt. 831).18 The CPC believes that the time has come to return authority over law enforcement in the
19 City to the ultimate guarantors of police accountability: the people of Seattle. The CPC
20 recognizes that substantial progress on police reform has been achieved under the Consent
21 Decree. At the same time, much work remains to be done to ensure that the Seattle Police
22 Department (SPD) provides fully accountable, nondiscriminatory policing and eliminates any
23 pattern or practice of unconstitutional policing. The CPC does not believe that federal oversight
24 under the Consent Decree is likely to lead to substantial further progress on police reform. As a
25 result, the CPC supports ending the Consent Decree and turning over full responsibility for law-
26 enforcement policy and accountability to the people, their elected City leaders, and the SPD's

1 accountability partners including the CPC, the Office of Police Accountability (OPA), and the
 2 Officer of Inspector General for Public Safety (OIG).

3 The CPC takes this position even though there remain shortcomings in the City's
 4 implementation of reforms under the Consent Decree. These shortcomings implicate all three of
 5 the Consent Decree's purposes of "ensuring that police services are delivered to the people of
 6 Seattle in a manner that (1) fully complies with the Constitution and laws of the United States, (2)
 7 ensures public and officer safety, and (3) promotes public confidence in the SPD and its officers."
 8 *See* Dkt. 562, at 7. The CPC notes two particular shortcomings.

9 *First*, and most importantly, the City has not made sufficient progress on police
 10 accountability. As the Court recognized in its Order Finding City of Seattle Partially Out of
 11 Compliance with the Consent Decree (May 21, 2019), "the parties have acknowledged that the
 12 old accountability system is inadequate for purposes of compliance with the Consent Decree."
 13 Dkt. 562, at 13. In 2017, the City passed an Accountability Ordinance that sought to address those
 14 inadequacies and submitted that Ordinance for court approval. Dkts. 396 & 396-1. However, in
 15 2018, the City's negotiations with the SPOG resulted in a Collective Bargaining Agreement
 16 (CBA) that abrogated critical reforms in that Ordinance. Dkt. 562, at 11. As a result, the Court
 17 found "the City to be out of compliance with respect to its accountability systems." *Id.* at 10.

18 More than five years later, in 2024, the parties were before the Court to discuss the
 19 Interim Agreement that the City had reached with the SPOG through collective bargaining. As the
 20 CPC noted then, "the Interim Agreement unfortunately reflects little other progress—and indeed,
 21 continued backsliding—on implementation of strong accountability standards" Dkt. 812, at 2. The
 22 Court had similar concerns about the Interim Agreement, pointing out that it provided pay
 23 increases "without making, to me, significant changes in the discipline and accountability
 24 system" even though the City "went into this with a mantra from the Court that it wanted to see
 25 the things that were in the accountability ordinance restored. And in terms of those things in the
 26 accountability ordinance, that effort was not successful." Dkt. 816, at 32:7–15. The City stated in
 27 its April 2024 report: "As the parties negotiate over officer wages, hours, and working conditions,
 28

1 the City will continue to push to advance accountability and enhance public safety for all Seattle
 2 residents.” Dkt. 795, at 4. Yet in the time since that report on the Interim Agreement, there has
 3 been no indication of further progress toward implementing the Accountability Ordinance.

4 The CPC was established under the Consent Decree to provide “ongoing community input
 5 into the development of reforms, the establishment of police priorities, and mechanisms to
 6 promote community confidence in SPD [to] strengthen SPD and facilitate police/community
 7 relationships necessary to promote public safety.” Dkt. 3-1 ¶ 4. From the CPC’s perspective as a
 8 nexus for community input on these topics, the City has not achieved through collective
 9 bargaining the accountability standards vital for the community to have widespread confidence in
 10 SPD when it comes to accountable policing. However, given the Court’s recognition that its
 11 “ability to influence [collective bargaining agreements] is restrained,” Dkt. 816, at 47:4–6, the
 12 CPC appreciates that there is little the Court can do through continued supervision under the
 13 Consent Decree to ensure further progress on accountability.

14 **Second**, the City has wavered somewhat in its commitment to providing the funding and
 15 other resources necessary for the accountability partners, including the CPC, to successfully
 16 fulfill their roles. In a prior budget cycle, for example, the City cut funding for one of the CPC’s
 17 full-time staff positions. Such cuts are damaging because they introduce uncertainty and
 18 instability when the success of the system demands reliability.

19 The CPC has demonstrated the significance of the role it plays in the SPD accountability
 20 system. To take a recent example, the CPC engaged with individual members of the City Council
 21 and the Mayor to improve the crowd-management ordinance. The CPC then brought relevant
 22 community concerns to SPD’s policy-development process under that ordinance, which led to
 23 significant amendments in the crowd-management policy before the Court. Moreover, the CPC is
 24 currently involved in an unexpected opportunity to review the effectiveness of this new policy.
 25 Protest events at Cal Anderson Park on May 24, 2025, represented an early test of SPD’s new
 26 crowd-management policy, and the OIG has initiated a Sentinel Event Review of SPD’s response.

1 *See OIG Press Release (June 6, 2025).*¹ The CPC is collaborating with the OIG to ensure
 2 impacted voices and perspectives are included in the review process. In short, the accountability
 3 partners are working effectively and constructively to achieve the goals of police reform. For this
 4 to continue, the City must provide reliable funding and resources for the work of those
 5 accountability partners, including the CPC.

6 The CPC expresses its gratitude to the Court for its oversight of and deep investment in
 7 police reform under the Consent Decree over the least thirteen years. The CPC recognizes that,
 8 since 2012, under the Court's supervision, the SPD has made significant improvements in use-of-
 9 force and other practices and that the City has stood up robust and responsive structures for
 10 community engagement and surfacing accountability issues. However, the work of broader
 11 improvement and reform must continue, and the CPC is hopeful that termination of the Consent
 12 Decree serves as a call to action for the City, its elected leaders, and the community to widen their
 13 focus and to take on that work anew to ensure constitutional, equitable, and accountable policing
 14 in Seattle.

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 16 Dated: July 23, 2025

Respectfully submitted,

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 28 ¹ <https://www.seattle.gov/documents/Departments/OIG/News/OIG%20Press%20Release%20Review%20of%20Cal%20Anderson%20May%202024.pdf>

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Daniel J. Shih
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